

**REVIEWED**

*By Larisha Davis at 11:44 am, Jun 25, 2007*

CLOSED, PATENT, PaperDocuments

**U.S. District Court  
District of Delaware (Wilmington)  
CIVIL DOCKET FOR CASE #: 1:04-cv-01285-GMS  
Internal Use Only**

Enzon Pharmaceutical v. Phoenix Pharm. Inc.  
Assigned to: Honorable Gregory M. Sleet  
Demand: \$0  
Cause: 28:1338 Patent Infringement

Date Filed: 09/21/2004  
Date Terminated: 03/06/2006  
Jury Demand: None  
Nature of Suit: 830 Patent  
Jurisdiction: Federal Question

**Plaintiff**

**Enzon Pharmaceuticals Inc.**

represented by **Josy W. Ingersoll**  
Young, Conaway, Stargatt & Taylor  
The Brandywine Building  
1000 West Street, 17th Floor  
P.O. Box 391  
Wilmington, DE 19899-0391  
(302) 571-6600  
Email: jingersoll@ycst.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Karen Elizabeth Keller**  
Young, Conaway, Stargatt & Taylor  
The Brandywine Building  
1000 West Street, 17th Floor  
P.O. Box 391  
Wilmington, DE 19899-0391  
(302) 571-6600  
Email: kkeller@ycst.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Glenn Christopher Mandalas**  
Young, Conaway, Stargatt & Taylor  
The Brandywine Building  
1000 West Street, 17th Floor  
P.O. Box 391  
Wilmington, DE 19899-0391  
(302) 571-6600  
**TERMINATED: 08/29/2005**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****Phoenix Pharmacologics Inc.**represented by **Richard D. Kirk**

The Bayard Firm  
 222 Delaware Avenue, Suite 900  
 P.O. Box 25130  
 Wilmington, DE 19899  
 (302) 655-5000  
 Email: bankserve@bayardfirm.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Joseph Lucci**

Pro Hac Vice  
 Email: jlucci@woodcock.com  
**ATTORNEY TO BE NOTICED**










**Patrick Farley**

Pro Hac Vice  
 Email: pfarley@woodcock.com  
**ATTORNEY TO BE NOTICED**

**Stephen C. Timmins**

Pro Hac Vice  
 Email: timmins@woodcock.com  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/21/2004	1	COMPLAINT filed. Magistrate Consent Notice to Pltf. FILING FEE \$ 150.00 RECEIPT # 136900 (mwm) (Entered: 09/22/2004)
09/21/2004		SUMMONS(ES) issued for Phoenix Pharm. Inc. (mwm) (Entered: 09/22/2004)
09/21/2004	2	Report to Commissioner of Patents and Trademarks. Exit original. Re: 6,183,738 (mwm) (Entered: 09/22/2004)
09/29/2004	3	CASE assigned to Judge Gregory M. Sleet . Notice to all parties. (rjb) (Entered: 09/29/2004)
10/15/2004	4	RETURN OF SERVICE executed as to Phoenix Pharm. Inc. 10/15/04. Answer due on 11/4/04 for Phoenix Pharm. Inc. (mmm) (Entered: 10/15/2004)
11/03/2004	5	ANSWER to Complaint by Phoenix Pharm. Inc. (Attorney Richard D. Kirk), (asw) (Entered: 11/03/2004)
12/30/2004	6	NOTICE of Scheduling that the Court will hold an initial telephone conference on 1/10/05 at 11:45 a.m.; Copies to counsel (asw) (Entered: 12/30/2004)

		Cases)(Kirk, Richard) (Entered: 10/03/2005)
10/03/2005	 <a href="#">80</a>	Letter to The Honorable Gregory M. Sleet from Richard D. Kirk regarding respectfully requesting permission to file motion for summary judgment on sole ownership. (Kirk, Richard) (Entered: 10/03/2005)
10/03/2005		CORRECTING ENTRY: Letter and Attachments were deleted from docket entry #78. They will be refiled under seal. (mmm) (Entered: 10/03/2005)
10/03/2005	 <a href="#">81</a>	Letter to Honorable Gregory M. Sleet from Karen E. Keller, Esquire regarding UNDER SEAL Request for Leave to Move for Summary Judgment re CORRECTING ENTRY.; Letter. (Keller, Karen) (Entered: 10/03/2005)
10/03/2005	 <a href="#">82</a>	NOTICE OF SERVICE of (1)Enzon's Second Supplemental Objections and Responses to Defendant Phoenix Pharmacologics, Inc.'s First Set of Interrogatories to Enzon, Inc. (Nos. 1 and 3) and (2) Enzon's Objections and Responses to Defendant Phoenix Pharmacologics, Inc.'s Third Set of Interrogatories to Enzon Pharmaceuticals, Inc. (Nos. 8-11) by Enzon Pharmaceuticals Inc..(Keller, Karen) (Entered: 10/03/2005)
10/04/2005	 <a href="#">83</a>	NOTICE OF SERVICE of 1) Defendant Phoenix Pharmacologics Inc.'s Responses and Objections to the Second Notice of Deposition of Enzon Pharmaceuticals, Inc. Pursuant to Federal Rule of Civil Procedure 30(b) (6) (No. 12); and 2) Defendant Phoenix Pharmacologics Inc.'s Responses and Objections to the Third Notice of Deposition of Enzon Pharmaceuticals, Inc. Pursuant to Federal Rule of Civil Procedure 30(b) (6) (Nos. 13-29) by Phoenix Pharmacologics Inc..(Kirk, Richard) (Entered: 10/04/2005)
10/05/2005	 <a href="#">84</a>	ORDER (Paperless) SETTING DISCOVERY TELECONFERENCE: 3rd discovery teleconference has been set for 10/11/2005 at 2:00 PM before Honorable Gregory M. Sleet. In accordance with the Scheduling Order, a joint letter agenda shall be filed no later than forty-eight hours prior to the conference. Signed by Judge Gregory M. Sleet on 10/5/05. (ctd) (Entered: 10/05/2005)
10/05/2005	<a href="#">85</a>	NOTICE (Paperless) of TELECONFERENCE: A telephone conference to discuss summary judgment has been set for 10/24/2005 at 10:00 AM before Honorable Gregory M. Sleet. (ctd) Modified on 10/5/2005 (ctd). (Entered: 10/05/2005)
10/06/2005	 <a href="#">86</a>	Letter to The Honorable Gregory M. Sleet from Karen E. Keller, Esquire regarding Joint Agenda for the Discovery Conference Set for October 11, 2005. (Keller, Karen) (Entered: 10/06/2005)
10/11/2005		Minute Entry for proceedings held before Judge Gregory M. Sleet: 3rd Discovery Telephone Conference held on 10/11/2005. (Court Reporter Kevin Maurer.) (mmm) (Entered: 10/11/2005)
10/11/2005	 <a href="#">87</a>	Letter to Honorable Gregory M. Sleet from Richard D. Kirk, Esq. regarding Enzon's request for leave to file it's proposed summary

		judgment motions. (Attachments: # <a href="#">1</a> Exhibit 1# <a href="#">2</a> Exhibit 2# <a href="#">3</a> Exhibit 3)(Kirk, Richard) (Entered: 10/11/2005)
10/11/2005	<a href="#">88</a>	(SEALED) Letter to The Honorable Gregory M. Sleet from Karen E. Keller, Esquire regarding Letter in Opposition to letter filed by Phoenix Pharmacologics, Inc. Requesting Permission to File a Motion for Summary Judgment re <a href="#">79</a> Letter. (Keller, Karen) Modified on 6/15/2007 (eew). (Entered: 10/11/2005)
10/11/2005	<a href="#">89</a>	(SEALED) Letter to The Honorable Gregory M. Sleet from Karen E. Keller, Esquire regarding Letter in Response to Defendants Letter Seeking leave to Move for Summary Judgment that Enzon is not entitled to sole ownership of U.S. Paten No. 6,183,738 re <a href="#">80</a> Letter. (Keller, Karen) Modified on 6/15/2007 (eew). (Entered: 10/11/2005)
10/11/2005	<a href="#">90</a>	NOTICE OF SERVICE of Enzon's Third Supplemental Objections and Responses to Defendant Phoenix Pharmacologics, Inc.'s First Set of Interrogatories to Enzon, Inc. (Nos. 1 and 3) by Enzon Pharmaceuticals Inc..(Keller, Karen) (Entered: 10/11/2005)
10/13/2005	<a href="#">91</a>	MOTION for Pro Hac Vice Appearance of Attorney Stephen C. Timmins - filed by Phoenix Pharmacologics Inc.. (Kirk, Richard) (Entered: 10/13/2005)
10/13/2005		SO ORDERED, re <a href="#">91</a> MOTION for Pro Hac Vice Appearance of Attorney Stephen C. Timmins filed by Phoenix Pharmacologics Inc . Signed by Judge Gregory M. Sleet on 10/13/05. (asw ) (Entered: 10/13/2005)
10/14/2005		(Court only) ***Attorney Stephen C. Timmins for Phoenix Pharmacologics Inc. added. (els, ) (Entered: 10/14/2005)
10/17/2005	<a href="#">92</a>	Letter to The Honorable Gregory M. Sleet from Josy W. Ingersoll, Esquire regarding reply letter in further support of Enzon's request for leave to move for summary judgment (i) on its claim for ownership of U.S. Patent 6,183,738 and (ii) dismissing defendant Phoenix's affirmative defenses re <a href="#">81</a> Letter. (Ingersoll, Josy) (Entered: 10/17/2005)
10/17/2005	<a href="#">93</a>	Letter to The Honorable Gregory M. Sleet from Thomas H. Kovach regarding reply letter in support of request to file motion for summary judgment on sole ownership re <a href="#">80</a> Letter. (Kovach, Thomas) (Entered: 10/17/2005)
10/17/2005	<a href="#">94</a>	Letter to The Honorable Gregory M. Sleet from Thomas H. Kovach regarding reply letter in support of request to file motion for summary judgment on unjust enrichment re <a href="#">79</a> Letter. (Kovach, Thomas) (Entered: 10/17/2005)
10/18/2005		(Court only) ***Attorney Patrick Farley for Phoenix Pharmacologics Inc., Joseph Lucci for Phoenix Pharmacologics Inc. added. (els, ) (Entered: 10/18/2005)
10/19/2005	<a href="#">95</a>	NOTICE of Service of Subpoena by Enzon Pharmaceuticals Inc. (Shaw, John) (Entered: 10/19/2005)